

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

WRIT APPEAL NO.1083 OF 2018

JUDGMENT: (*per Hon'ble Sri Justice Suresh Kumar Kait*)

Vide the present writ appeal, the appellants have challenged the interim order dated 30-01-2018 passed in I.A.No.1 of 2018 in W.P.No.205 of 2018, whereby the learned Single Judge of this Court has granted interim direction as prayed by respondent No.1.

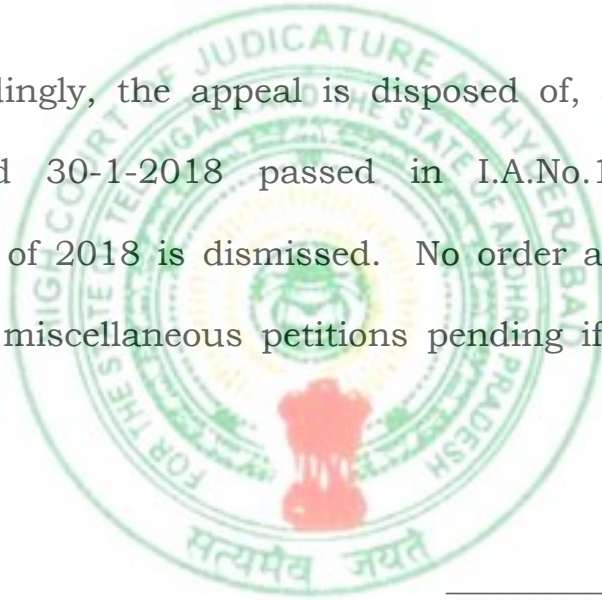
2. The present appeal was taken yesterday on mentioning and the learned counsel for respondent No.1 sought time to get instructions and assist the Court on the next date of hearing. Consequently, this matter is listed for hearing today.

3. It is not in dispute that the first respondent initially filed W.P.No.28004 of 2017 and the same was disposed of vide order dated 22-08-2017 directing the official respondents to consider the representation of the petitioner for relaxation of the condition of minimum service of 10 years for promotion to the post of Deputy Director. Instead of considering the representation of respondent No.1 herein, the official respondents have promoted the appellants herein along with others. Being aggrieved, respondent No.1 and two others filed W.P.No.31550 of 2017 and in W.P.M.P.No.39285 of 2017 vide order dated 23-10-2017, made it clear that any promotions already made will be subject to further orders in the writ petition.

4. Thereafter, the 1st respondent by concealing the fact that for the same relief filed W.P.No.31550 of 2017 is pending, however filed W.P.No.205 of 2018, whereby the learned Single Judge granted interim directions.

5. The learned counsel appearing on behalf of respondent No.1 submits that W.P.No.31550 of 2017 was filed by respondent No.1 and two others by some other Advocate, whereas the present writ petition is filed by her and this fact was not disclosed to her by her client. Therefore, she fairly conceded that W.P.No.205 of 2018 is not maintainable.

6. Accordingly, the appeal is disposed of, setting aside the order dated 30-1-2018 passed in I.A.No.1 of 2018 and W.P.No.205 of 2018 is dismissed. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.



SURESH KUMAR KAIT, J

T.AMARNATH GOUD, J

Date:14-08-2018.
Shr